

INSTRUCTIONS FOR THE PREPARATION OF ALABAMA DEPARTMENT OF REVENUE Corporation Income Tax Return

1998

General Information For ALL Corporations

Corporations Subject To Income Tax:

DOMESTIC CORPORATIONS. Section 40-18-31, **Code of Alabama 1975**, imposes an income tax on every corporation organized under the laws of Alabama except for those corporations specifically exempted by Section 40-18-32. Corporations organized under the laws of Alabama are defined as domestic corporations by Section 40-18-1.

FOREIGN CORPORATIONS. Sections 40-18-2 and 40-18-31 impose an income tax on every corporation doing business in Alabama or deriving income from sources within Alabama including income from property located in Alabama and on every corporation licensed or qualified to transact business in Alabama. A foreign corporation is defined by Section 40-18-1 as a corporation created or organized outside the State of Alabama.

Filing Requirements:

Every corporation, joint stock company, or association subject to income tax under Title 40, **Code of Alabama 1975**, is required by Section 40-18-39 to file a return with the Alabama Department of Revenue for each taxable period, stating gross income and allowable deductions and credits. Penalties will be added for failure to timely file, failure to timely pay, or fraudulent filing.

Which Form To Use:

FORM 20C. Domestic and foreign corporations must file Form 20C, Corporation Income Tax Return, unless (1) a valid election is in effect to be an S corporation under 26 U.S.C. §1362, (2) a valid election is in effect to be a qualified subchapter S subsidiary under 26 U.S.C. §1361(b)(3) and all of its stock is owned by an Alabama S corporation, or (3) the corporation has exempt status under Code Section 40-18-25(e), 40-18-25(f), or 40-18-32 and the corporation has no unrelated business taxable income.

FORM 20S. Domestic or foreign corporations which have in effect an election to be (1) an S corporation under 26 U.S.C. §1362, or (2) a qualified subchapter S subsidiary under 26 U.S.C. §1361(b)(3) and is wholly owned by an Alabama S corporation, must file Form 20S. Completed K-1's must be attached. A signed copy of Schedule NRA for each nonresident shareholder (if any) must be attached to Form 20S when applicable (see Schedule NRA requirements).

FORM 20SC. Nonresident Composite Payment Return and Extension. This form is used to report and pay tax on the S corporation income on behalf of some or all of the nonresident shareholders.

Tax forms and other information are available on the Internet at www.ador.state.al.us.

Estimate/Extension/Informational Requirements:

FORM 20-CD. Corporation Declaration of Estimated Tax. A corporation which will have an Alabama income tax liability in excess of \$5,000 must declare and pay estimated tax based on the current year's liability. The first declaration and payment are due by the fifteenth day of the fourth month of the taxable year. The second, third, and fourth filings and payments are due by the fifteenth day of the sixth, ninth, and twelfth months, respectively.

All corporations which filed a Form 20-CD the previous year and also those corporations that had a total tax liability of \$5,000 or more before credits will automatically receive a preprinted coupon booklet containing Form 20-CD and Form 20-E. These forms are designed for optical scanning. Any corporation which fails to receive a coupon booklet must call the **Corporate Tax Section at (334) 242-1204 or 242-1206** and request a preprinted coupon booklet.

Code Section 40-18-80 provides for penalties for underestimation except

under the following conditions: (1) taxpayer makes timely payment of at least as great as the amount computed to be due on its return for the preceding taxable year; or (2) the taxpayer's declaration is greater than 90 percent of the tax computed to be due on its current return.

FORM 20-E. Payment Voucher and Extension Request. Form 20-E may be used to request an extension of up to six (6) months for filing a return. It may also be used as a payment voucher. If estimated payments do not equal or exceed the amount of tax due for the period, the balance of the corporation's tax liability is due on or before the original due date of the return. Form 20-E should be submitted with the payment if the return is to be filed under extension.

Tax due and not paid by the due date will be subject to penalties provided in Section 40-2A-11.

SCHEDULE K-1 (Form 20S). Shareholder's Statement of Income and Deductions. A corporation filing as an Alabama S corporation must complete four copies of Alabama Schedule K-1 for each shareholder who held any stock interest in the Alabama S corporation during the taxable year. On this schedule are reported the details of the shareholder's pro rata share of the corporation's separately stated and nonseparately stated income and deductions. Two copies of this form shall be distributed to the shareholder, one copy shall be attached to Form 20S filed with the Alabama Department of Revenue, and one copy shall be maintained with the corporation's books and records.

SCHEDULE NRA (Form 20S). Agreement of Nonresident Shareholder. Each nonresident shareholder who held any stock interest in the electing corporation during any part of the tax year of the corporation must execute a consent agreement (if one hasn't been filed since the 1989 tax year) to report his or her share of the Alabama S corporation's Alabama income to this State and to pay any tax due thereon. A completed copy of Schedule NRA must be attached to the Form 20S.

CIVIL PENALTIES. Section 40-2A-11 provides additional penalties for (1) failure to timely file, (2) failure to timely pay, (3) underpayment due to negligence, and (4) underpayment due to fraud. These penalties may be assessed in addition to and without regard to the exceptions for underestimation penalties if the taxpayer does not attempt to comply with Section 40-18-82.

ELECTRONIC FUNDS TRANSFER. Section 41-1-20 requires the use of Electronic Funds Transfer (EFT) for all single tax payments of \$25,000 or more. Taxpayers must register to use EFT, and substantial penalties can be assessed for noncompliance. Call the Alabama Department of Revenue EFT Hotline at (334) 242-1819 or 1-800-322-4106 for further information.

General Instructions

How To File:

For this return to be considered complete and properly filed, a copy of the appropriate federal return (Form 1120, 1120A, 1120F, 990T, etc.) must be attached. Failure to attach the complete federal return with the necessary supporting schedules (such as Schedule D and Form 4797) may result in the imposition of delinquent penalties. It is not necessary to include itemized depreciation schedules with the return if the information is maintained with the company records and is available upon request.

Filing a **CONSOLIDATED ALABAMA RETURN** is not permitted unless filing entities are an Alabama real estate investment trust and its qualified real estate investment trust subsidiary. If this corporation is a member of an affiliated group which files a consolidated federal return additional schedules will be required. See "Other Pertinent Information" on page 4 of the return for these filing requirements.

Period Covered:

File the 1998 return for calendar year 1998 and for fiscal years or short-

years that begin in 1998. Fill in the tax year space at the top of the form for a fiscal year or short-year.

Signature:

The return must be signed by an authorized officer of the corporation. If the property or business is being operated by a receiver trustee in bankruptcy, or an assignee, such person shall sign for the corporation. Enter the date signed and the title of the person whose signature is affixed. If the return is prepared by anyone other than an employee of the taxpayer, enter the signature and identification information of the preparer.

When To File:

ORIGINAL DUE DATE. The return for calendar year 1998 is due on or before March 15, 1999. For fiscal year or short-year taxpayers, the return is due on or before the 15th day of the 3rd month following the close of the tax period.

EXTENSION. An automatic extension of time to file the return up to a maximum of six (6) months will be granted if:

- (1) a copy of the Federal Form 7004 is attached to the return and the return is filed within the six-month period, or
- (2) Form 20-E is filed on or before the due date of the return regardless of whether the corporation files a Federal Form 7004.

Returns or payments bearing a U.S. Postal Service cancellation no later than midnight of the due date (with extensions) will be considered timely filed.

Where To File/Payment of Tax:

The total amount of the corporation's income tax liability for the period is due on or before the unextended due date of the return. If the return is to be filed under extension, Form 20-E should be used to pay any balance of tax due after all estimated payments and credits have been allowed.

Make checks payable to:

Alabama Department of Revenue – Individual and Corporate Tax Division.

Write the corporation's federal employer identification number, the income tax form number (Form 20C), and the tax year on the check.

Tax due and not paid on or before the due date will be subject to a failure to timely pay penalty of 1% per month, up to 25%, and will accrue interest at the rate provided in Section 40-1-44.

Mail the return and payments to:

**Alabama Department of Revenue
Individual and Corporate Tax Division
Corporate Tax Section
P. O. Box 327430
Montgomery, AL 36132-7430
Telephone (334) 242-1200**

Specific Instructions

At the top, left-hand corner of page 1 check the applicable box if filing an initial, final, or amended return.

At the top, right-hand corner of page 1 check the appropriate box indicating a calendar-year, fiscal-year, or short-year return. Fill in the blanks indicating the beginning and ending dates of the tax period if the return is for a fiscal year or a short year.

For tax years beginning on or after January 1, 1990, any corporation filing as an S corporation with the Internal Revenue Service under 26 U.S.C. § 1362 must file as an S corporation for Alabama (Form 20S). To ensure that the taxpayers receive the proper forms for next year's filing, it is necessary to answer the question on page 1 in the upper right hand corner which asks whether this corporation will file as an S corporation with the IRS next year.

In the top, center block of page 1 enter the corporation's federal business code number, its federal employer identification number (FEIN), and its name and mailing address (with complete zip code). Below the address enter the state of incorporation, date of incorporation, and the date the corporation qualified to do business in Alabama.

If this corporation is included in a consolidated federal income tax return, check the appropriate block, and enter the name and federal employer identification number of the common parent corporation.

Check the appropriate filing status. Filing status 3, Percentage of Sales, is available as an option only to taxpayers whose only activities within Alabama consist of sales and do not include owning or renting real estate or tangible personal property and whose gross Alabama sales is not in excess of \$100,000. Use Schedule D-2 to compute tax. Filing status 4, Separate (Direct) Accounting, should only be used by taxpayers that have received prior permission from the Alabama Commissioner of Revenue.

BE SURE TO FILL OUT ALL APPLICABLE LINES ON PAGE 1 even if detailed schedules are attached. Failure to properly complete the return may result in delinquency penalties.

LINE 1. Enter the amount of this corporation's federal taxable income before net operating loss and special deductions.

LINE 2. Enter the net amount of reconciliation adjustments from line 37, Schedule A, on page 2. Enclose the amount on line 2 in parentheses if net reconciliation deductions exceed additions.

LINE 4. Enter the amount shown in Column E, Schedule C, page 3. Enclose net nonbusiness income in parentheses.

Net nonbusiness income is a negative amount in computing total apportionable income on line 6. Net nonbusiness expense or loss is a positive amount in computing total apportionable income on line 6.

LINE 5. Enter the amount of special deductions shown on line 10c. This is an addition to apportionable income and offsets the amounts deducted on lines 28 and 30 of Schedule A, page 2.

Special deductions on line 5 is a positive amount in computing total apportionable income on line 6.

LINE 6. Enter the sum of lines 3, 4, and 5. Special attention should be paid to whether the amounts on lines 3 and 4 are positive or negative. Negative amounts must be netted against positive amounts.

LINE 9. Enter the amount shown on Column F, Schedule C, page 3. Enclose net nonbusiness expense or (loss) in parentheses.

Net nonbusiness income allocated to Alabama is a positive amount in computing Alabama income before federal income tax deduction. Net non-business expense or (loss) allocated to Alabama is a negative amount in computing Alabama income before federal income tax deduction.

LINE 10a. Multistate corporations enter the amount from line 4, Schedule B, page 2, if an election is made to expense or to amortize investments made during the taxable year in pollution control facilities in Alabama under Section 40-18-35.

Schedule B, page 2, must be completed if an entry is made on this line.

LINE 10b. Enter the amount of expense (not exceeding \$35,000) incurred during the taxable year for the removal of architectural or transportation barriers to handicapped persons from this corporation's property in Alabama. Attach a schedule detailing the amounts and nature of such expenditures. See Section 40-18-35.

LINE 10c. Enter the sum of lines 10a and 10b. This is the total amount of special deductions allowed under Section 40-18-35 to be expensed directly from income apportioned and allocated to Alabama.

LINE 14. Enter the amount of net operating loss (not to exceed taxable income) carried forward from taxable years beginning after December 31, 1984. Attach a supporting schedule showing the amount of net operating loss incurred for each tax period beginning 1/1/85 or later and the amount of such loss absorbed in each subsequent period.

A net operating loss is the excess of allowable deductions over the gross income of a corporation during a taxable year. A net operating loss is applied to the first taxable year to which it may be carried. A loss incurred in a taxable year beginning after December 31, 1984 may be carried forward 15 consecutive years.

Corporations may not carry back a net operating loss to offset Alabama income in prior years.

LINE 17b. Enter the amount of tax paid with Form 20-E.

LINE 17c. This line is only to be used if a taxpayer is filing an AMENDED RETURN. The amount shown should be any payments made with the original return and/or any payments made because of adjustments to the return by the Alabama Department of Revenue.

LINE 17d. Credits/Exemptions. Refer to Instructions for Schedule F.

LINE 17e. The increase in tax due to the LIFO reserve recapture is

payable in 4 equal installments. The first installment is due no later than the due date (without extension) for filing the return for the last taxable year before the corporation became an S corporation. The three succeeding installments are due no later than the due date (without extension) for the succeeding three years.

To calculate the LIFO tax deferral, multiply by 5% the amount on page 2, Schedule A, line 13, that represents the LIFO reserve recapture. Then multiply this total by 75%. Enter the result on line 17e not to exceed line 16 on page 1. Multistate taxpayers should calculate the LIFO tax deferral by multiplying the amount on page 2, Schedule A, line 13, by the apportioned percentage on page 1, line 7. Then multiply this total by 5%. Enter on line 17e, 75% of the total LIFO tax calculated above not to exceed line 16 on page 1.

LINE 19. Enter any overpayment and identify on line 19(a), and/or 19(b), and/or 19(c) the amount you wish to be credited to next year's estimated tax and/or contributed to the Penny Trust Fund and/or refunded. Once the election is made to apply an overpayment to the next year's estimated tax and/or contribute to the Penny Trust Fund, the election may not be changed. The amount of overpayment applied to the estimated tax for the following year will not be refunded until after the following year's tax return has been filed. Contributions to the Penny Trust Fund are designated for the promotion of public schools and public health.

LINE 20. If this return is not filed on or before the due date (with extensions), enter a delinquent penalty of 10% of the tax due or \$50, whichever is greater.

Amounts not paid by the due date will be subject to a nonpayment penalty of 1% per month for each month or fraction thereof that the tax remains unpaid, up to 25%, as provided in Section 40-2A-11.

LINE 21. Enter the amount of interest due on the balance of tax due on line 18 computed from the due date (without extensions) of this return to the date paid. The Alabama interest rate is the same as provided in IRC Section 6621.

LINE 23. Enter the amount of remittance. Attach remittance made payable to: Alabama Department of Revenue – Individual and Corporate Tax Division. Be sure to include the taxpayer's federal employer identification number, the form number (Form 20C), and the tax year on your remittance.

LINE 23a. Payments of \$25,000 or more must be made by Electronic Funds Transfer (EFT). For additional EFT information, refer to the Estimate/Extension/Informational Requirements section of these instructions.

Instructions For Schedule A

The Alabama income tax law is similar, but not identical, to the federal income tax law. Therefore, it is necessary to make certain adjustments to reconcile federal net income before net operating loss and special deductions to total net income from all locations computed in accordance with Alabama income tax law and regulations before adjustments for federal income tax and net operating loss carryforward. Use Schedule A to itemize these reconciliation adjustments.

NOTE: For tax years beginning on or after January 1, 1990, Alabama net income must be computed in accordance with the same method of accounting that the taxpayer employs for federal income tax purposes.

MULTISTATE CORPORATIONS SHOULD NOT USE SCHEDULE A TO MAKE ADJUSTMENTS FOR NONAPPORTIONABLE (NONBUSINESS) ITEMS. Adjustments for these items are to be made on Schedule C.

Additions To Federal Income:

LINE 1. Enter the amounts of state and/or local taxes imposed on net income or measured by net income which have been deducted on the federal return.

LINE 2. Enter the amount of foreign taxes deducted on the federal return. Taxes levied by or paid to a foreign country are not allowable as a deduction in computing Alabama taxable income. See Regulation 810-3-35-.01 (1)(b)1.(ii).

LINE 3. Enter the total amount of depletion deducted on the federal return. See Deductions section below for depletion allowable under Alabama law.

LINE 4. Enter the amount of interest earned which is exempt from federal tax. This includes state and local municipal bonds.

LINE 5. Enter the amount of capital losses carried over from a prior year and deducted this year on the federal return.

LINE 6. Enter the excess amount for charitable contributions deducted on the federal return over the amount allowable on the Alabama return.

LINE 7. If the amount of allowable depreciation deduction for Alabama is different from the federal, enter the excess of federal over Alabama depreciation on line 7.

A difference between Alabama and federal depreciation may arise from a difference in the basis of one or more of the assets being depreciated, a difference in the depreciation methods, or a difference in the depreciation rates.

LINE 8. Beginning January 1, 1990, corporations must use the specific write-off method in deducting bad debts; corporations may deduct only those that become partially or wholly worthless during the taxable year determined in accordance with 26 U.S.C. 166.

If the reserve method was used on the prior year(s), the total positive reserve balance should have been included in the Alabama income in the calendar year 1990 return or the fiscal year beginning 1990 return.

Instead of including the total positive reserve balance in income in the year of change, corporations had an option to take a deduction only for bad debts that had not been included under the reserve method. If that option was taken, a detailed schedule should be submitted entailing the reserve balance at the beginning of the 1990 period, the specific write-off amounts for tax years beginning on or after January 1, 1990 that were previously deducted under the reserve method, and the reserve balance after the above adjustments. A schedule should be attached each year until the reserve balance is reduced to zero. Appropriate adjustment should be made on line 8 for the difference in the federal and state deduction.

LINE 9. Enter the amount of any deduction (or reduction in income) taken on the federal return for this year as the result of IRS audit changes to prior years.

LINE 10. Enter the amount of depreciation taken on the federal return for pollution control items included in Schedule B, page 2. Attach an itemized supporting schedule.

LINE 11. Enter the amount of depreciation taken on the federal return for expenditures in Alabama for the removal of architectural and transportation barriers to the handicapped included on line 30 below.

LINE 12. Enter the amount of expenses incurred in earning the interest income exempt from Alabama income tax on line 20 below.

LINE 13. Section 40-18-161 requires a C corporation which expects to become an S corporation in the next taxable year and has goods inventoried under the LIFO method to include in the gross income of the corporation for such last year as a C corporation the LIFO recapture amount. Appropriate adjustments shall be made to the basis of the inventory. See Section 40-18-161.

LINE 14. Real estate investment trusts enter the net income from foreclosure property from federal Form 1120-REIT, Part II, line 5.

LINES 15. Enter the item description and amount of any other addition not specified above.

Deductions From Federal Income:

LINE 17. Enter the amount of refunds of state and/or local taxes on net income which have been refunded and included in federal income (only if not netted in line 1 above) .

LINE 18. Enter the amount of cost depletion on minerals other than oil and gas. See Regulation 810-3-15-.06.

LINE 19. Enter the amount of percentage or cost depletion allowable on oil and gas. Percentage depletion is allowable on oil and gas up to a limit of 27-1/2% of the gross income from the property with the following limitations:

- (1) the amount deducted may not be more than 50% of the net income from the property before the deduction for depletion, and
- (2) the amount deducted may not be less than the depletion computed under the cost method .

LINE 20. Enter the amount of interest income earned on obligations of the State of Alabama, any political subdivision thereof, and Alabama industrial development boards.

LINE 21. Enter the amount of interest income earned on obligations of the

U.S. government. Do not include interest on federal tax refunds; also, do not include interest income from FNMA, GNMA, Federal Home Loan Mortgage Corporation, or World Bank, since instruments issued by these organizations are not direct obligations of the U.S. government.

LINE 22. Enter the amount of dividends received from a company of which you own (1) at least 50% of the total combined voting power of all classes of stock entitled to vote, and (2) at least 50% of the total number of shares of all classes of stock other than classes of stock which are limited and preferred as to dividends, **only if the payor of the dividends is subject to Alabama income tax.**

If commercially domiciled outside of Alabama enter the dividends received from any corporation of which you own at least 20% of the above voting power and 20% of the above stock.

Attach a supporting schedule listing the name and address of each corporation paying the dividends and the amount paid by each.

LINE 23. Enter the amount of capital losses incurred this year which are not deducted in arriving at the federal net taxable income of this corporation, but which are utilized in a consolidated return or are available for carryback or carryforward on the federal return.

LINE 24. Enter the amount of any excess depreciation allowable for Alabama over that deducted on the federal return. See instructions for line 7 above.

LINE 25. Enter depreciation allowable for properties expensed under IRC Section 179 prior to 1990.

LINE 26. Enter the amount of this corporation's current year wage expense not deducted on the federal return in exchange for the federal employment credits.

LINE 27. Enter the amount of any income (or decrease in deductions) on the federal return for this year as the result of IRS audit changes to prior years.

LINE 28. Taxpayers may elect to expense or to amortize amounts invested during the taxable year in pollution control facilities in Alabama under Section 40-18-35.

Schedule B, page 2, must be completed if an entry is made on this line.

LINE 29. Enter the amount of expenses attributed to the interest income shown on line 4 above which is exempt from federal income tax.

LINE 30. Enter the amount of expense (not exceeding \$35,000) incurred during the taxable year for the removal of architectural or transportation barriers to handicapped persons from this corporation's property in Alabama. (See also line 11 above.)

LINE 31. Enter the amount of any additional contributions allowable as a deduction in computing Alabama taxable income over the amount deducted on the federal return.

LINE 32. Enter the amount of aid or assistance (property, services, monies) provided to the Alabama Industrial Authority in order to induce an approved company to undertake a Major Project within Alabama.

LINE 33. Real estate investment trusts enter the allowable dividend paid deduction.

LINE 34 and 35. Enter the item description and amount of any other deduction not specified above.

LINE 36. Enter the sum of lines 17 through 35.

LINE 37. Subtract line 36 from line 16, and enter the result on line 37. If line 36 is larger than line 16, enclose the amount on line 37 in parentheses. Carry the amount on line 37 to page 1, line 2.

Instructions For Schedule B

If during the current year this corporation has invested in devices, facilities, or structures in Alabama primarily for the reduction of air or water pollution, it may elect under Section 40-18-35 to deduct these expenditures (or amortize them over any period not exceeding the useful lives of the assets acquired) directly from income apportioned and allocated to Alabama. This election is made by completing Schedule B.

Taxpayers making this election should attach an itemized supporting schedule providing the following information:

(1) Name and location of each item of pollution control equipment acquired.

- (2) Description of the item's purpose, use, and/or function in controlling pollution.
- (3) Amount expended for the item.
- (4) Date of acquisition.
- (5) Date placed in service.
- (6) Depreciation method used for federal purposes.
- (7) Federal depreciation schedule showing the amount deducted on the federal return each year until the item's cost is recovered.

Instructions For Schedule C

Enter on Schedule C all items of nonbusiness income, nonbusiness loss, and nonbusiness expense. These items are excluded from apportionable income and are allocated either to Alabama or to another state. See Regulation 810-27-1-4-.01 for a discussion of the classification of income and expense into business and nonbusiness categories and the assignment of nonbusiness items to specific jurisdictions.

Beside the line number in Schedule C, enter the item description. In Column A enter the total amount of gross income or loss to be excluded from apportionable income. In Column B enter the amount of gross income or loss allocable to Alabama.

Enter total nonbusiness expense in Column C and any allocable to Alabama in Column D. Nonbusiness expense may exceed nonbusiness income and, in fact, may be present when there is no nonbusiness income. Expenses which are not directly identifiable as business or nonbusiness must be prorated. See Regulation 810-27-1-4-.01(d). The method for prorating interest expense is to multiply total interest expense deducted on the federal return by a fraction, the numerator of which is the average amount invested in nonbusiness assets at cost and the denominator of which is the average amount invested in total assets at cost. Investments originally acquired by means of stock for stock swaps may be eliminated from both the numerator and the denominator of the nonbusiness interest expense proration factor.

Subtract Column C from Column A, and enter the remainder in Column E. Subtract Column D from Column B, and enter the remainder in Column F.

Add the amounts in Columns E and F, and enter the totals on line 2. Carry the total of Column E to page 1, line 4. Carry the total of Column F to page 1, line 9.

Instructions For Schedule D-1

The corporation's business activity in Alabama is represented by the apportionment percentage. Except for special cases provided for in Regulation 810-27-1-4-.18, the apportionment factor consists of the average of three other factors: property, payroll, and sales. See Regulation 810-27-1-4-.09 through Regulation 810-27-1-4-.18 for detailed instructions regarding the items to be included in the numerator and the denominator of each of these factors.

Property Factor:

In the appropriate columns, enter the amounts (at cost, unless stated otherwise) of property available for use in the production of business (apportionable) income.

LINE 1. Inventories.

LINE 2. Land.

LINE 3. Furniture and fixtures.

LINE 4. Machinery and equipment.

LINE 5. Buildings and leasehold improvements.

LINE 6. Property financed through industrial development boards or by industrial revenue bonds issued by municipalities. **All Industrial Development Board property utilized by the taxpayer will be included at its original cost basis.**

LINE 7. Government Property. **All government property (whether local, state, or federal), when such property is made available for use by the taxpayer, will be reported at its current fair market value.**

LINE 8. Any other real or tangible personal property used in production of business income.

LINE 9. Less Construction in progress (if included in the amounts on lines 1 through 8).

LINE 10. Enter in each column the totals of lines 1 through 9.

LINE 11. Enter in the appropriate column the average (beginning of year plus end of year values divided by 2) value of property in Alabama and Everywhere. See Regulation 810-27-1-4-.12 for rules regarding computations other than beginning and end of year values.

LINE 12. In the Beginning of Year columns, enter the amount of expense for the rental of real or tangible personal property used in the production of business income in Alabama and Everywhere. Annualize for short-period returns. Multiply the annual rent expense by 8, and enter the result in the End of Year column. This is the capitalized rental value.

LINE 13a. Add the amounts on lines 11 and 12 in the End of Year column for Alabama.

LINE 13b. Add the amounts on lines 11 and 12 in the End of Year column for Everywhere.

LINE 14. Divide the amount on line 13a by the amount on line 13b, and enter the percentage on line 14. This is the ALABAMA PROPERTY FACTOR.

Payroll Factor:

LINE 15a. Enter the amount of wages or other compensation paid to employees for the production of business income in Alabama.

LINE 15b. Enter the amount of wages or other compensation paid to employees for the production of business income Everywhere. (Include officers' salaries.)

LINE 15c. Divide the amount on line 15a by the amount on line 15b, and enter the percentage on line 15c. This is the ALABAMA PAYROLL FACTOR.

Sales Factor:

LINE 16. Enter gross receipts from Alabama destination sales except sales to the U.S. government. This includes total gross receipts from sales of tangible property shipped to Alabama from locations both within and without Alabama.

LINE 17. Enter the amount of sales shipped from an Alabama origin to any state or foreign country where this corporation is not taxable. Also enter total sales to the U.S. government shipped from Alabama.

LINE 18. In the Alabama column, enter the total of lines 16 and 17. In the Everywhere column enter total sales for everywhere. If this amount does not correspond with line 1 of Federal Form 1120, attach an explanation and reconciliation.

LINE 19. Enter in the appropriate columns the gross business dividends, if any. (Note that any dividends entered here will be included in apportionable income on page 1.)

LINE 20. Enter in the appropriate columns the gross business interest income.

LINE 21. Enter in the appropriate columns the gross business income from rents.

LINE 22. Enter in the appropriate columns the gross business income from royalties.

LINE 23. Enter in the appropriate columns the gross receipts from the sale or disposition of assets used in the business. See Regulation 810-27-1-4-.15 for exclusion of amounts which would distort the factor.

LINE 24. Enter in the appropriate columns the amounts of other business gross receipts, and identify the nature of such receipts and their location in the federal return.

LINE 25a. Total the Alabama column for lines 18 through 24.

LINE 25b. Total the Everywhere columns for lines 18 through 24.

LINE 25c. Divide the amount on line 25a by the amount on line 25b, and enter the percentage on line 25c. This is the ALABAMA SALES FACTOR.

LINE 26. Add lines 14, 15c, and 25c. Divide by 3. This is the ALABAMA APPORTIONMENT PERCENTAGE. Enter here and on line 7, page 1. (If any factor is not utilized in the production of income, it shall be eliminated and the denominator reduced accordingly.)

Instructions for Schedule D-2

This schedule should be used only by taxpayers whose only activity in Alabama consists of sales and does not include owning or renting real estate or tangible personal property, and whose gross Alabama sales does not exceed \$100,000.00.

The tax liability is based on a percentage, .25%, of Alabama gross sales. See Section 40-18-23 for further information.

LINE 1. Enter gross receipts from Alabama destination sales except sales to the U.S. Government. This includes total gross receipts from sales of tangible property shipped to Alabama from locations within and without Alabama.

LINE 2. Enter the amount of sales shipped from an Alabama origin to any state or foreign country where this corporation is not taxable. Also enter total sales to the U.S. Government shipped from Alabama.

LINE 3. In the Alabama column, enter the total of lines 1 and 2. In the Everywhere column enter total sales for everywhere. If this amount does not correspond with line 1 of Federal Form 1120, attach an explanation and reconciliation.

Instructions for Schedule E

This schedule should be used to compute the amount of the corporation's federal income tax deduction allowable for/apportioned to Alabama and to offset that deduction with the amount of refund, if any, received or accrued in that year according to the taxpayer's method of accounting.

If this corporation is a member of an affiliated group which files a consolidated federal return, check the appropriate block to indicate the election made under IRC Section 1552. Attach a copy of the workpaper showing the computations made in allocating the consolidated tax liability to the separate corporations in the affiliated group.

LINE 1. Accrual-basis taxpayers should enter the amount of the corporation's net federal income tax liability (or share of the consolidated liability if included in a consolidated return). The federal liability should correspond to Federal Form 1120, Schedule J, except for the Alternative Minimum Tax (a federal prepayment and tax) and the Environmental Tax (deducted on the 1120).

Cash-basis taxpayers filing separate federal returns should enter on line 1 the amount of payment forwarded to the Internal Revenue Service (or share of the payment forwarded to the Internal Revenue Service if included in a consolidated return).

Real estate investment trusts **should not** include the tax imposed by IRC Section 857(b)(6) on prohibited transaction as part of the federal tax deduction.

LINE 2. Enter the amount of Alabama income from line 11, page 1.

LINE 3. Enter the amount of total net income adjusted to Alabama basis from line 3, page 1.

LINE 4. If the amounts on line 2 and line 3 are greater than zero, divide the amount on line 2 by the amount on line 3. If the amounts on line 2 **and/or** line 3 are zero or less than zero, enter zero. This is the FEDERAL INCOME TAX APPORTIONMENT PERCENTAGE.

LINE 5. Multiply the amount of federal income tax attributed to this corporation as shown on line 1 by the FEDERAL INCOME TAX APPORTIONMENT PERCENTAGE as shown on line 4. Enter the result on line 5.

LINE 6. If a corporation takes a deduction for federal income tax on its Alabama return and in a later year all or a portion of the tax claimed as a deduction is refunded by the Internal Revenue Service, the taxpayer is required to recognize the refund on its Alabama return to the extent of the benefit received in the prior year.

Cash-basis taxpayers recognize the refund in the year in which it is made by the Internal Revenue Service. Accrual-basis taxpayers recognize the refund in the year in which it accrues. An accrual-basis taxpayer receiving a refund as a result of carrybacks of deductions and/or credits to prior years' federal returns accrues the refund in the year in which the final event which caused the carrybacks occurred.

Multistate taxpayers filing separate federal returns (not requiring allocation of the refund among members of a consolidation) should apportion the refund to Alabama using the following steps:

- (1) If the total refund received or accrued results from a carryback to more than one previous year, identify each of the years to which the carryback is applied and designate the amount attributable to each year.
- (2) Multiply the amount of refund attributable to each year by the same percentage used to apportion income to Alabama on that year's return as last reported or audited.

(3) Add the results obtained in Step 2 for all years.

(4) Enter the total on line 6.

A multistate taxpayer filing its federal return as a member of a consolidated group must apportion the refund to each member of the group at the same ratio that the tax deduction being refunded was originally apportioned. See Regulation 810-3-35-.01(1)(b)4.

After the amount of refund attributable to the separate corporation has been determined for each year, the four (4) steps provided above for corporations filing separate federal returns may be followed in determining the amount of federal income tax refund to be entered on line 6.

LINE 7. Subtract line 6 from line 5. If line 5 is larger than line 6, enter the net federal income tax deduction on line 7 and carry to line 12 of page 1.

If line 6 is larger than line 5, enter the net federal income tax refund on line 7 and carry to line 12 of page 1.

Instructions for Schedule F

LINE 1. Alabama Enterprise Zone Act Credit: To stimulate business and industrial growth in depressed areas of the State, Alabama offers certain tax credit incentives to corporations, partnerships, and proprietorships which locate or expand within a designated enterprise zone. These tax credits are provided under the provisions of Section 41-23-24, **Code of Alabama 1975**. In order to qualify for these tax credits, a business **must be located within a designated zone** as approved by the Alabama Department of Economic and Community Affairs.

If a credit is earned by a partnership or an S corporation, the credit will be distributed to each partner or shareholder based on the percentage of ownership. The partnership or S corporation should advise each partner of the amount of credit available to each partner or shareholder.

NOTE: Section 41-23-30, **Code of Alabama 1975**, as amended provides for an income tax exemption. This exemption should be taken on **Line 1**. The taxpayer must have entered into a contract with the Alabama Department of Economic and Community Affairs for such exemption. A taxpayer must compute their income tax exemption under the provisions of their specific contract.

For further information regarding the Alabama Enterprise Zone incentives and the necessary forms to claim the credit, you should contact Alabama Department of Economic and Community Affairs, Planning and Economic Development Division, 401 Adams Avenue, P.O. Box 5690, Montgomery, AL 36130-5690, at (334) 242-5100, or the Alabama Department of Revenue, P.O. Box 327530, Montgomery, AL 36132-7430, at (334) 242-1200.

Schedule EZ and certificates must be attached to claim the credit. Certificate and computations must be attached to claim exemption.

LINE 2. Employer Education Credit: Sections 40-18-135 through 40-18-139 provide a tax credit to employers who provide approved basic skills education programs to Alabama resident employees. To qualify for the credit, (1) the program must have written approval from the Alabama Department of Education, (2) the employees shall have been continuously employed for at least 16 weeks for at least 24 hours per week, and (3) the employer cannot receive or require reimbursement or any form of remuneration for any cost of education. The credit is 20 percent of the actual costs limited to the employer's income tax liability. A copy of the document of approval along with a detailed schedule (including actual costs incurred, employee employment period) computing the credit should be provided. For further information, contact the Alabama Department of Education, 50 North Ripley Street, 5303

Gordon Persons Building, Montgomery, AL 36130, at (334) 242-8181 or the Alabama Department of Revenue, P.O. Box 327430, Montgomery, AL 36132-7430, at (334) 242-1200.

To help induce industrial and research facilities to locate in Alabama, Act 93-851 allows the Industrial Development Authority to grant certain tax incentives to companies proposing to construct approved projects in this state. See credits on lines 3 and 4.

LINE 3. Income Tax Credit: Section 40-18-38 provides a credit for the income tax owed on the income generated by or arising out of the project. The credit cannot exceed the lesser of (1) tax due, or (2) the amount paid pursuant to the financing agreement in the year for which tax is due, corresponding to debt service on the project obligations. This incentive may be reduced or suspended by the Industrial Development Authority if the company fails to achieve the anticipated level of capital investment or employment. Attachments to support credit should include certificate/document of approval, computation of income generated from project, support for amount paid, and computation of credit.

LINE 4. Tax Increment Fund Payment Credit: A credit is allowed for any payments into the fund with respect to corporate income tax due, for the year, on income generated by or arising from the project. Such credit cannot exceed the lesser of the amount of income tax due or the amount (exclusive of job development fees) paid into the tax increment funds. See Section 40-18-38.

The document of approval along with proof of payment(s) into the fund relative to corporate income tax and a detailed schedule computing income generated from the project is required.

For further information relating to credits, contact the Alabama Development Office, 401 Adams Avenue, Montgomery, AL 36130 at (334) 242-0400, or the Alabama Department of Revenue, P.O. Box 327430, Montgomery, AL 36132-7430 at (334) 242-1200.

LINE 5. Coal Credit: Section 40-18-220 provides a credit against the Alabama income tax liability to every corporation that is doing business in Alabama as a producer of coal mined in Alabama. The credit is one dollar per ton of the increase in Alabama coal produced for the year over the Alabama coal produced in the prior year. A detailed schedule computing the coal tax credit should be attached to the return when claiming the credit. For further information, contact the Alabama Department of Revenue, P.O. Box 327430, Montgomery, AL 36132-7430 at (334) 242-1200.

LINE 6. Capital Credit: Section 40-18-190 provides a tax credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain existing businesses or certain new businesses to be located in the state. The credit allowable is 5 percent of the project capital costs for each of 20 years.

A statement of intent to claim the credit must be filed prior to the date the property is placed in service. For further information regarding the capital tax credit and the necessary forms to claim this credit, contact the Alabama Department of Revenue, 4112 Gordon Persons Building, Montgomery, AL 36130, at (334) 242-1175.

Forms AR and K-RCC, if applicable, should be attached to claim the credit. If a credit is claimed, the project number should be entered in the space provided on line 6.

LINE 7. Enter the sum of lines 1 through 6. Carry the amount to line 17d, page 1. The total credits and exemption cannot exceed the tax due.